

Amendments to the Drawings

In compliance with the rules for submission of colored drawings (37 CFR 1.84; MPEP 608.02), the attached set of drawings includes 3 color copies and 1 black and white copy of Figure 1. The color copy of Figure 1 attached hereto is the replacement sheet for Figure 1 as originally filed. No changes have been made; the replacement Figure 1 is Figure 1 as originally filed, printed in color.

REMARKS

In response to the Office Action of November 1, 2005, Applicants request re-examination and reconsideration of this application for patent pursuant to 35 U.S.C. 132.

No changes have been made to the claims herein. Claims 2-38 were cancelled in a previous response (filed on August 25, 2003). Claims 39-46 are withdrawn from consideration. It is understood that claims 39-46, drawn to the non-elected invention, will remain pending, albeit withdrawn from consideration on the merits at this time. If the examined claim of the Group I invention is deemed to be allowable, rejoinder of the remaining claims (39-46) in accordance with the decision in *In re Ochiai* is respectfully requested; since the remaining claims (39-46) are limited to the use of the biopolymer marker of claim 1 (the examined claim of the elected Group I invention).

Claim 1 is currently under examination. Claims 1 and 39-46 remain pending in the instant application.

No new matter has been added by the amendment to the specification made herein.

The Brief Description of the Drawings at page 37 of the instant specification has been amended to place the case in compliance with the rules for submission of color drawings (37 CFR 1.84; MPEP 608.02).

Replacement Drawing

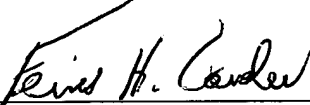
In a telephone conference on April 13, 2006, the Examiner stated that she could not distinguish the normal samples from the Type II diabetes samples in Figure 1, as Figure 1 is unclear. She requested Applicants' submit a clearer copy of Figure 1 by e-mail.

In response to the Examiner's request, Applicants herein submit a clear, color copy of Figure 1. The attached figure was produced by scanning the original photograph of the gel. The figure is entitled "HiQ3 (scrub) Normal vs. Diabetes Type II" and represents Figure 1 as originally filed. No new matter has been added; this figure is simply a clearer copy of Figure 1 as originally filed and is provided to clarify the presence and differential expression of Band #6 (from which the claimed biopolymer marker was isolated). The gel shown in the attached color figure does not represent new experimentation; the figure shows a clearer image of the original gel made at the time that the experiments described in the instant specification were first carried out.

CONCLUSION

In light of the foregoing remarks, amendment to the specification and submission of a replacement sheet for Figure 1 it is respectfully submitted that the Examiner will now find the claims of the application allowable. Favorable reconsideration of the application is courteously requested.

Respectfully submitted,



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Markers\\Amendments\\2132_111_KPDW_AM3.wpd